
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

HARSHAD P. DESAI,

Plaintiff,

v.

GARFIELD COUNTY GOVERNMENT,

Defendant.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:17-cv-00024-JNP-EJF

Judge Jill N. Parrish

Magistrate Judge Evelyn J. Furse

Harshad Desai sued Garfield County for a number of causes of action based upon the county's decision not to hire him for a deputy assessor position in 2015. Garfield County moved for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. [Docket 9]. Magistrate Judge Furse issued a Report and Recommendation that this court grant the motion and dismiss Desai's claims. [Docket 36]. Judge Furse notified Desai that a failure to file a timely objection to the Report and Recommendation could waive any objections to it. Desai never filed an objection.

Because Desai did not object to the Report and Recommendation, he waived any argument that the Report and Recommendation was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus the court finds that the interests of justice do not warrant deviation from the waiver rule and ADOPTS IN FULL the Report and Recommendation.

The court, therefore, ORDERS as follows:

(1) The court GRANTS Garfield County's motion for a judgement on the pleadings.

[Docket 9].

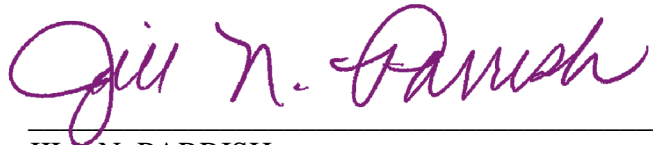
(2) Desai's claim under 42 U.S.C. § 1988 is DISMISSED WITH PREJUDICE.

(3) Desai's claims under the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and 42 U.S.C. §§ 1981, 1983, 1985, 2000e-3, and 2000e-2(j) are DISMISSED WITHOUT PREJUDICE.

(4) Desai shall have until April 27, 2018 to file an amended complaint. If he does not file an amended complaint by this date, this court shall close the case.

SO ORDERED March 30, 2018.

BY THE COURT:



JILL N. PARRISH
United States District Judge